

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JON PERROTON,)	
)	
Petitioner,)	No. C 13-1050 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
GREG MUNKS, Sheriff,)	
)	
Respondent.)	
)	

Petitioner, a pretrial detainee facing state criminal charges in San Mateo County Superior Court, has filed a petition for a writ of habeas corpus challenging his detention.

Petitioner may challenge his pretrial detention on state criminal charges by way of a petition for a writ of habeas corpus under 28 U.S.C. § 2241. But principles of comity and federalism require that this court abstain and not entertain any such pre-sentence habeas challenge unless petitioner shows that: (1) he has exhausted available state judicial remedies, and (2) "special circumstances" warrant federal intervention. Carden v. Montana, 626 F.2d 82, 83-84 (9th Cir. 1980). Only in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other special circumstances where irreparable injury can be shown is federal injunctive relief against pending state prosecutions appropriate. Id. at 84 (citing Perez v. Ledesma, 401 U.S. 82, 85 (1971)).

1 Petitioner makes no such showing of "special circumstances" warranting federal
2 intervention. See id. The petition accordingly is DISMISSED without prejudice
3 to refiling after state criminal proceedings, including appeal, are completed.

4 The clerk is instructed to close the file and terminate all pending motions
5 as moot.

6 SO ORDERED.

7 DATED: March 27, 2013

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CHARLES R. BREYER
United States District Judge